

1627--B

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ZEBROWSKI, CAHILL, ESPAILLAT, FIELDS, GABRYSZAK, JAFFEE, MILLMAN, N. RIVERA -- Multi-Sponsored by -- M. of A. CHRISTENSEN, COOK, DeMONTE, EDDINGTON, GALEF, GUNTHER, KOON, LATIMER, MAGEE, MAISEL, MARKEY, McENENY, REILLY, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting companies from soliciting vehicle warranty policies to owners of motor vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 399-00 to read as follows:
3 S 399-00. DECEPTIVE SOLICITATION OF VEHICLE WARRANTY POLICIES. 1. IT
4 SHALL BE UNLAWFUL FOR ANY COMPANY TO DIRECTLY OR INDIRECTLY REPRESENT IN
5 ANY MANNER, WHETHER BY WRITTEN SOLICITATION OR TELEMARKETING, A FALSE,
6 DECEPTIVE OR MISLEADING STATEMENT IN REGARD TO:
7 A. SUCH COMPANY'S AFFILIATION WITH A VEHICLE OWNER'S CURRENT WARRANTY
8 POLICY PROVIDER;
9 B. SUCH COMPANY'S POSSESSION OF INFORMATION REGARDING SUCH VEHICLE
10 OWNER'S WARRANTY POLICY;
11 C. THE EXPIRATION OF SUCH VEHICLE OWNER'S WARRANTY POLICY; OR
12 D. A REQUIREMENT THAT SUCH VEHICLE OWNER REGISTER FOR A NEW WARRANTY
13 POLICY WITH SUCH COMPANY IN ORDER TO MAINTAIN COVERAGE OF SUCH VEHICLE
14 OWNER'S CURRENT WARRANTY POLICY.
15 2. ANY COMPANY THAT KNOWINGLY VIOLATES ANY PROVISION OF THIS SECTION
16 SHALL BE SUBJECT TO A CIVIL FINE IN THE AMOUNT OF ONE THOUSAND DOLLARS
17 FOR EACH VIOLATION.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD02518-04-9

1 3. ANY COMPANY THAT VIOLATES ANY PROVISION OF THIS SECTION SHALL BE
2 SUBJECT TO A CIVIL FINE IN THE AMOUNT OF FIVE HUNDRED DOLLARS FOR EACH
3 VIOLATION.

4 4. NOTHING IN THIS SECTION SHALL IN ANY WAY LIMIT RIGHTS OR REMEDIES
5 WHICH ARE OTHERWISE AVAILABLE UNDER LAW TO THE ATTORNEY GENERAL.

6 S 2. Separability clause; construction. If any part or provision of
7 this act or the application thereof to any person or circumstances be
8 adjudged invalid by any court of competent jurisdiction, such judgment
9 shall be confined in its operations to the part, provision or applica-
10 tion directly involved in the controversy in which such judgment shall
11 have been rendered and shall not affect or impair the validity of the
12 remainder of this section or the application thereof to other persons or
13 circumstances.

14 S 3. This act shall take effect on the sixtieth day after it shall
15 have become a law.